

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

|                                                          |   |                                                    |
|----------------------------------------------------------|---|----------------------------------------------------|
| <b>U.S. EQUAL EMPLOYMENT<br/>OPPORTUNITY COMMISSION,</b> | ) |                                                    |
|                                                          | ) |                                                    |
|                                                          | ) |                                                    |
| <b>Plaintiff,</b>                                        | ) |                                                    |
|                                                          | ) |                                                    |
|                                                          | ) | <b>CA: 7:13-cv-01583-HMH-JDA</b>                   |
|                                                          | ) |                                                    |
| <b>v.</b>                                                | ) |                                                    |
|                                                          | ) | <b>AMENDED CONFERENCE<br/>AND SCHEDULING ORDER</b> |
|                                                          | ) |                                                    |
| <b>BMW MANUFACTURING CO., LLC,</b>                       | ) |                                                    |
|                                                          | ) |                                                    |
| <b>Defendant.</b>                                        | ) |                                                    |
| <hr style="width: 40%; margin-left: 0;"/>                | ) |                                                    |

The Court amends the Conference Scheduling Order filed August 12, 2013, as follows:

2. Initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made no later than **October 1, 2013**.
  
5. The Parties shall file and serve a document identifying by full name, address, and telephone number each person whom the party expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to the other party with respect to expert testimony on all issues for which the respective party has the burden of proof at trial by **July 31, 2014** (Fed. R. Civ. P. 26(a)(2)(B)).<sup>1</sup> This deadline applies to, but is not limited to, any expert expected to be called by Plaintiff regarding the alleged disparate impact of the policy at issue and damages of the Claimants and any expert expected to be called by Defendant regarding alleged job relatedness and business necessity of the policy and any other affirmative defense.
  
6. All parties shall file and serve a document identifying each person by full name, address, and telephone number whom the party expects to call as a rebuttal expert and certifying that a written report prepared and signed by the rebuttal expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **October 31, 2014**. This deadline applies to, but is not limited to, any rebuttal expert testimony by Defendant regarding disparate impact and by Plaintiff regarding job relatedness and business necessity and/or less discriminatory alternative employment practices.

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<sup>1</sup> Concurrent with the identification of each expert and subject matter, each party shall serve (but not file): 1) a complete copy of the most current curriculum vitae of each expert or a detailed summary of his qualifications to testify on each identified subject; 2) (a) a complete statement of all opinions to be expressed by each expert and the basis and reasons therefor; (b) the data and other information considered by the expert in forming the opinions, (c) any exhibits to be used as a summary of or support for the opinions, and (d) citations of any treatise, text or other authority upon which each expert especially relied; and 3) a copy of each expert's report if a report has been prepared.

7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **November 28, 2014**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
8. Discovery shall be completed no later than **December 30, 2014**. Discovery shall be deemed completed within this time only if discovery is initiated at such time as to afford the responding party the full time provided under the applicable rule of the Federal Rules of Civil Procedure in which to respond prior to the discovery completion date noted in this paragraph. Pursuant to Rule 26(e), supplementation of reports or information shall be made by all parties reasonably as they become aware that previously disclosed information is incomplete or incorrect, and in any event, not later than the end of the discovery period and again before trial in conjunction with other disclosures required by Fed. R. Civ. P. 26(a)(3).

**(The parties may, with the consent of all counsel, conduct discovery up to the time of trial, provided the deadlines in this order are not affected.)**

9. All other motions, except (a) those relating to the admissibility of evidence at trial and (b) those to compel discovery, shall be filed no later than **February 13, 2015** (Fed. R. Civ. P. 16(b)(2)). See below ¶ 11 for motions in limine deadline.
10. No later than **April 12, 2015** or 30 days after the Court rules on any dispositive motions, whichever later occurs, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6). See Local Civil Rule 30.03(J) (video deposition additional requirements).
11. Motions in limine must be filed two weeks prior to jury selection.
12. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
13. This case is subject to being called for trial on the later of **May 13, 2015** or 60 days after the Court rules on any dispositive motions.
14. Mediation shall be conducted in the manner prescribed by LCR 16.04-16.12 by no later than **January 30, 2015**.

**A request for a continuance of the trial date must be agreed to and signed by the party and his attorney requesting and/or consenting to the continuance.**

The court directs the parties' attention to Local Rule 7.00 which governs motion practice. Hearings on motions are not automatic. The court may decide motions without a hearing. If a party opposes a motion which has been filed, that party must file a response to the opposed motion within fourteen (14) days of the date the motion was filed. If no such response in opposition is filed, the court will assume that the party consents to the court's granting the motion.

Any motions pending on the date of the Bar Meeting *will be heard at the Bar Meeting* and you should be prepared to argue them at that time.

**NOTICE: You are expected to be available for trial of this case during the month of May 2015 unless the court notifies you of a later date. If you presently have a conflict during the month of May 2015, notify the court in writing within seven (7) days of the date of this order. You will not be excused without leave of court.**

**IT IS SO ORDERED**

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Jacquelyn D. Austin  
United States Magistrate Judge

September \_\_, 2013  
Greenville, South Carolina